IN THE HIGH COURT OF PUNJAB AND HARYRNA AT CHANDIGARH

C.O.C.P. No.297 of 2004
Date of Decision:- 12.10.2006

Prithipal Singh Sohal ....Petitioner

through
Mr.Ravi Kant Sharma, Advocate

vs.

Gurjit Singh Randhawa ....Respondent

through
Mr.Raman Walia, Advocate

***

CORAM:-HON'BLE MR.JUSTICE SURYA KANT

***

SURYA KANT, J.

The petitioner was employed with Punjab Ex Servicemen Corporation. He was retrenched from employment. This led him to raise an industrial dispute, which was answered in his favour by the Industrial Tribunal, Punjab vide its award dated 26.10.1999. Aggrieved, the Management filed C.W.P.No.4451 of 2000 in this Court in which vide an order dated 27.4.2000, the operation of the award was stayed "subject to the provisions of Section 17-B of the Industrial Disputes Act till further orders."

In compliance to the aforementioned order, the last drawn wages, however, were not paid to the petitioner. He accordingly moved Civil Miscellaneous No.12334 of 2000, which was disposed of by this Court on August 22, 2003 with a direction to the Management (the writ petitioner) to pay the last drawn wages to the workman in terms of Section 17-B of the Act.

Instead of complying with the aforesaid order, the Management moved an application for modification of the same. Its application was

disposed of by this court vide order dated 20.2.2004 in which, having noticed the fact that the operation of the award was stayed subject to the provisions of Section 17-B of the Act and the Management has failed to comply with the said provisions, the Division Bench vacated the order dated 27.4.2000 itself whereby the operation of the award was stayed.

Even after suffering the aforesaid order dated 20.2.2004, neither the petitioner was paid the last drawn wages for the relevant period nor was reinstated despite vacation of the order dated 27.4.2000.

Alleging non-compliance of the aforesaid orders, this contempt petition has been filed.

In response to the show cause notice, a written statement dated 19.7.2004 was filed by the respondent. It transpires that on a subsequent occasion, no one appeared on behalf of the respondent, therefore, this Court vide order dated April 5, 2005 directed him to remain present in person on the next date.

Thereafter, learned counsel representing the respondent made a statement that instructions had been withdrawn from him. The respondent, however, was not present in person on that date also. Consequently, bailable warrants were issued to secure his presence.

Pursuant thereto, the respondent has come present in Court and has also filed an additional affidavit dated 6.8.2006. Along with the additional affidavit, the respondent has appended a letter dated 29.8.2006 (Annexure R-1) which is addressed to learned counsel for the petitioner. In para 2 of this letter, it is stated that payment of a sum of Rs.2,47,000 is being made to the petitioner vide cheque No.546757 dated 29.8.2006 for the period from 1.5.2000 upto 31.8.2006.

Learned counsel for the respondent states that the salary for the month of September, 2006 has been paid today by way of cheque No.547129 dated 29.9.2006.

Learned counsel for the respondent further undertakes that in future also the monthly salary shall be regularly paid to the petitioner till it is required.

Though from the above-noticed subsequent events, it is apparent that the directions/orders passed by this Court from time to time have since been complied with, however, there can be no denial to the fact that there is an inordinate delay of more than six years in releasing the payment to which the petitioner is entitled in law. Consequently, the respondent is directed to pay interest at the rate of six per cent per annum to the petitioner on the arrears amounting to Rs.2,47,000/- which have since been paid to the petitioner vide cheque No.546757 dated 29.8.2006. The amount of interest shall be paid within a period of one month from today.

Disposed of.

Rule discharged.

October 12 , 2006 **(SURYA KANT)**
poonam **JUDGE**